IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 13911 of 2007(F)

PETITIONERS:
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1. DR.G.KESAVAN NAMPOOTHIRY,
CHIEF MEDICAL OFFICER,GOVERNMENT AYURVEDA HOSPITAL
MULAKKULAM P.O., PIRAVAM, ERNAKULAM DISTRICT.

2. DR.K.C.JOHN,
CHIEF MEDICAL OFFICER, DISTRICT AYURVEDA HOSPITAL,
VAYASKARAKUNNU, KOTTAYAM.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR
SMT.SUSHYA RAJAN

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE SPECIAL SECRETARY, AYUSH,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF INDIAN SYSTEMS OF
MEDICINE (KERALA), THIRUVANANTHAPURAM.

3. THE DEPARTMENTAL PROMOTION COMMITTEE FOR
SELECTION AND APPOINTMENT TO THE POST OF DISTRICT
MEDICAL OFFICER IN THE SYSTEMS OF MEDICINE KERALA
SERVICE, REPRESENTED BY ITS CONVENOR, THE SPECIAL
SECRETARY TO GOVERNMENT AYUSH, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM-1.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 13911/2007 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER OF PROMOTION GO RT NO. 2420/2004/HWD DT. 23/8/04 BY THE GOVT. PROMOTING THE PETITIONERS AS CHIEF MEDICAL OFFICERS.

EXT.P2. COPY OF THE NOTIFICATION GO P NO. 93/2005/H & FWD DT. 5/4/2005 BY THE GOVT.

EXT.P3. COPY OF THE SENIORITY LIST SHOWING THE RESPECTIVE RANKS OF THE PETITIONERS AS ON 1/1/2004. GRADATION LIST OF SENIOR MEDICAL OFFICERS, INDIAN SYSTEMS OF MEDICINE.

EXT.P4. COPY OF THE GRADATION LIST OF CHIEF MEDICAL OFFICERS AS ON 1/1/2004 ISSUED BY THE DIRECTOR, INDIAN SYSTEMS OF MEDICINE, THIRUVANANTHAPURAM.

EXT.P5. COPY OF THE REPRESENTATION DT. 17/1/2007 BY THE P2 TO THE GOVT.

EXT.P6. COPY OF THE REPRESENTATION DT. 10/4/2007 BY THE P2 TO SMT. P.K. SREEMATHY TEACHER, MINISTER, THIRUVANANTHAPURAM.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No.13911 of 2007-F

Dated this the 28th day of May, 2007

J U D G M E N T

The petitioners are Chief Medical Officers under the Department of Indian Systems of Medicine. They submit, their turn for promotion as District Medical Officer (ISM) has already reached. Proposals for promotion have been forwarded by the second respondent to the first respondent, it is pointed out. So far the first respondent has not even convened D.P.C, to consider their claim for promotion. The learned counsel for the petitioners also pointed out that the second petitioner is retiring on 31-5-2007. So, he submits, his claim for promotion may be considered before that, or at any rate he may be granted all the benefits that would have accrued had he been promoted in time.

2. I heard the learned Government Pleader for the respondents also.

3. The first respondent is directed to consider the claim of the petitioners for promotion, in accordance with law, within three months from the date of production of a copy of this judgment. If the second petitioner is found eligible for promotion before the date of his retirement, his claim for promotion shall be considered and orders

passed, notwithstanding his retirement.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS